

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Aaron Cole	Team: Squad #14	CCRB Case #: 201703185	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 04/13/2017 10:00 AM	Location of Incident: § 87(2)(b)	Precinct: 32	18 Mo. SOL 10/13/2018	EO SOL 10/13/2018	
Date/Time CV Reported	CV Reported At: Other City agency	How CV Reported: Phone	Date/Time Received at CCRB Mon, 04/24/2017 11:14 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Nadia Morant	00950	922827	PSA 6

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Maria Torres	19827	962610	PSA 6
2. POM Mainul Haque	11330	950558	PSA 6
3. POM Joan Pichardo	09708	946118	PSA 6

Officer(s)	Allegation	Investigator Recommendation
A.SGT Nadia Morant	Abuse: Sergeant Nadia Morant forcibly removed § 87(2)(b) to the hospital.	§ 87(2)(b)

### **Case Summary**

On April 14, 2017, § 87(2)(b) called 311 and filed this complaint, which was received at the CCRB on April 24, 2017.

At approximately 9:46 a.m. on April 13, 2017, § 87(2)(b) of the Administration for Children's Services visited § 87(2)(b)'s apartment, located at § 87(2)(b), § 87(2)(b) in Manhattan, because § 87(2)(b) had reported that his § 87(2)(b)-old son, § 87(2)(b) would not wake up. § 87(2)(b) was accompanied by PO Mainul Haque and PO Maria Torres of PSA 6. § 87(2)(b) invited § 87(2)(b) and the officers into his apartment and § 87(2)(b) spoke with § 87(2)(b).

Sgt. Nadia Morant and PO Joan Pichardo of PSA 6 arrived. § 87(2)(b) heard an officer state that they suspected § 87(2)(b) was intoxicated. Sgt. Morant requested an ambulance and one arrived containing EMT § 87(2)(b) and EMT § 87(2)(b). § 87(2)(b) was forcibly removed to § 87(2)(b) (Allegation A). § 87(2)(b) was removed from the scene and transported to an ACS facility. § 87(2)(b) was not summonsed or arrested.

There is no video evidence in this case.

This case was delayed because § 87(2)(b) was not available to be interviewed until nearly one month after the incident and because this case spent more than six weeks with the mediation unit before being returned for an investigation.

### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) accepted mediation, and this case was sent to mediation on July 27, 2017. However, it was returned for an investigation on September 11, 2017.
- As of October 10, 2017, § 87(2)(b) has not filed a Notice of Claim with the NYC Office of the Comptroller regarding this incident (Board Review 14).
- § 87(2)(b) has never been convicted of a crime in New York City (Board Review 01).

### **Civilian and Officer CCRB Histories**

- This is § 87(2)(b)'s first CCRB complaint (Board Review 02).
- Sgt. Morant has been a member of the NYPD for 19 years and has had two prior complaints, § 87(2)(b). In case number 200506467, a strip-search allegation was exonerated (Board Review 03).

### **Potential Issues**

§ 87(2)(b) refused to sign HIPAA forms. Therefore, his medical records were unavailable to the investigation.

### **Findings and Recommendations**

#### **Allegation A –Abuse of Authority: Sgt. Nadia Morant removed § 87(2)(b) to the hospital.**

§ 87(2)(b) acknowledged the presence of two empty beer bottles inside of his apartment, but he denied consuming any alcohol the morning of this incident and he denied that he was intoxicated. § 87(2)(b) said that he allowed officers to enter his apartment and would have gone to the hospital willingly, had the officers asked and allowed him to prepare himself for transport, rather than immediately handcuffing him and forcing him to go (Board Review 04).

§ 87(2)(b) said that § 87(2)(b) was the subject of an ongoing ACS case. Prior to this incident, he picked his son up from school seemingly intoxicated (Board Review 05). On the morning of the incident, § 87(2)(b) received a call reporting that § 87(2)(b) was absent from school. She had called § 87(2)(b) who sounded intoxicated and said that § 87(2)(b) would not wake up. ACS protocol mandated that § 87(2)(b) conduct a home visit with police assistance because § 87(2)(b) was reported to be unconscious and was seemingly in danger of physical harm by his caretaker.

When § 87(2)(b) arrived with PO Torres and PO Haque, she observed § 87(2)(b) awake and unharmed. § 87(2)(b)'s eyes were bloodshot and § 87(2)(b) observed empty beer cans inside of § 87(2)(b)'s bedroom. § 87(2)(b) yelled and called both § 87(2)(b) and PO Torres “bitch,” pointed his finger in § 87(2)(b)'s face, and said, “You women are all about the government.” At one point, § 87(2)(b) asked § 87(2)(b) to step into the hallway outside of the apartment to speak to her and § 87(2)(b) grabbed § 87(2)(b)'s arm to prevent him from leaving.

§ 87(2)(b) said she heard the officers tell § 87(2)(b) that he was not under arrest, but that he needed to go to the hospital. PO Haque and PO Pichardo attempted to handcuff § 87(2)(b) but he resisted and attempted to kick PO Haque and PO Pichardo, which caused § 87(2)(b) to lose his balance. PO Haque and PO Pichardo caught § 87(2)(b) and prevented him from falling to the floor. § 87(2)(b) continued kicking. The officers were able to handcuff him. They reiterated that he was not under arrest. § 87(2)(b) eventually calmed down and walked to the ambulance on his own.

EMT § 87(2)(b) said that § 87(2)(b) had a strong odor of alcohol on his breath, slurred his words, and made profane statements such as “suck my dick” to everyone around him (Board Review 06). However, § 87(2)(b) did not physically or verbally resist entering the ambulance. EMT § 87(2)(b) believed that § 87(2)(b) was “intoxicated enough” that he should have been hospitalized.

Sgt. Morant said she decided to remove § 87(2)(b) to the hospital (Board Review 07). Sgt. Morant considered § 87(2)(b) to be an emotionally disturbed person because of his level of intoxication and “belligerent” behavior, which included cursing at officers, flailing his arms, and blocking the apartment door to prevent § 87(2)(b) from leaving, all of which caused

Sgt. Morant to fear for the safety of others present, specifically, § 87(2)(b) and § 87(2)(b) [REDACTED]

Sgt. Morant did not feel physically threatened by § 87(2)(b) but feared that § 87(2)(b) was a threat to his son's safety because § 87(2)(b) told her that § 87(2)(b) had a history of appearing at § 87(2)(b)'s school while intoxicated, had kept him home from school that morning, and had attempted to stop § 87(2)(b) from leaving the apartment to speak with § 87(2)(b). Additionally, Sgt. Morant feared § 87(2)(b) was a safety threat to others because he had blocked § 87(2)(b) from exiting his apartment with his body and had repeatedly approached the kitchen, despite officers ordering him not to do so. Sgt. Morant presumed weapons such as knives were present inside of the kitchen. Sgt. Morant did not smell alcohol on § 87(2)(b)'s breath and did not recall if his eyes were bloodshot, but she believed he was intoxicated because he was angry that ACS was present to check on his son, he spoke in incoherent sentences, and he exhibited "aggressive behavior," such as flailing his arms and using the words "bitch" and "fuck."

PO Torres said that § 87(2)(b) smelled of alcohol and appeared to have not showered in several days. PO Torres observed empty bottles of alcohol on the floor of § 87(2)(b)'s bedroom (Board Review 10). PO Torres prepared the AIDED report for § 87(2)(b) which noted that he was removed to the hospital because he was "intoxicated and unable to care for himself and [his] six year old son" (Board Review 09).

PO Pichardo said that § 87(2)(b)'s apparent intoxication and erratic behavior made him fear that § 87(2)(b) might harm himself if left alone (Board Review 11). PO Haque said that § 87(2)(b) needed to be hospitalized because of his level of intoxication and because he yelled, kicked, and said that he was going to "hurt" the officers (Board Review 12).

A person is considered to be emotionally disturbed, and therefore must be taken into protective custody, when he appears to be mentally ill or temporarily deranged and is conducting himself in a manner which a police officer reasonably believes is likely to result in serious injury to himself or others. NYPD Patrol Guide, Section 221-13 (Board Review 13).

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

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Squad:

Investigator: \_\_\_\_\_  
Signature Print Date

Squad Leader: \_\_\_\_\_  
Title/Signature Print Date

Reviewer: \_\_\_\_\_  
Title/Signature Print Date